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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

★ AUG 14 2019 ★  
LONG ISLAND OFFICE

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UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

- against -

COMPLAINT

JOSE OMAR SORTO PORTILLO,  
also known as "Duende,"

(18 U.S.C. § 1959(a))

Defendant.

WJ 19- 733

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

SEAN C. McMULLEN, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about August 7, 2019, within the Eastern District of New York, the defendant JOSE OMAR SORTO PORTILLO, also known as "Duende," together with others, for the purpose of maintaining and increasing his position in La Mara Salvatrucha, also known as the MS-13 street gang ("MS-13"), an enterprise that was engaged in racketeering activity, did knowingly and intentionally murder Jasson Medrano-Molina, in violation of New York Penal Law Sections 125.25(1) and 20.00.

(Title 18, United States Code, Section 1959(a)(1)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I have been a Special Agent with the FBI for approximately 23 years. I am currently assigned to the FBI's Long Island Gang Task Force (the "Task Force"), which is comprised of agents and officers of the FBI, Nassau County Police Department, Nassau County Sheriff's Department, Suffolk County Probation, Suffolk County Sheriff's Department, and Suffolk County Police Department ("SCPD"). The primary mission of the Task Force is to combat violent crime perpetrated by street gang members. The information contained in this affidavit comes from my first-hand knowledge, participation in surveillance, conversations with witnesses, discussions with other agents and officers involved in the investigation, and review of reports and other evidence related to this investigation.

La Mara Salvatrucha

2. Many of the cases investigated by the Task Force involve members of the MS-13, an international criminal organization. The MS-13 constitutes an "enterprise" as defined in Section 1959(b) (2) of Title 18, United States Code, that is, a

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<sup>1</sup> Because the purpose of this affidavit is to establish only probable cause to arrest the defendants, I have not set forth a description of all the facts of which I am aware.

group of individuals associated in fact that engages in, and the activities of which affect, interstate and foreign commerce. Furthermore, the MS-13, through its members and associates, engages in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts and threats involving murder, in violation of the laws of the State of New York, and narcotics trafficking, in violation of Title 21, United States Code, Sections 841 and 846. Over the past several years, dozens of MS-13 members have been indicted and convicted in the Eastern District of New York for, among other things, murder, attempted murder, conspiracy to commit murder, and assaults, all committed in violation of Title 18, United States Code, Section 1959(a).

3. The MS-13, primarily comprised of immigrants from El Salvador and Honduras, has members located throughout Long Island and the United States. In the United States, major MS-13 chapters, or "cliques," have been established in New York, Maryland, Virginia, North Carolina, Texas, California and elsewhere. Following induction, members of the MS-13 sometimes signify their membership with gang-related tattoos. On Long Island, MS-13 cliques have been established in various towns including Hempstead, Freeport, Westbury, Roosevelt, Huntington, Brentwood and Islip. The cliques routinely hold meetings to plan

criminal activity and members pay dues into a clique treasury. The treasury funds are used to purchase firearms and ammunition and to promote other illegal activity. Inter-clique meetings, called "Universals," are used to coordinate criminal activities among different cliques. Participation in criminal activity by a member, especially violence directed at rival gangs or police informants, increases the respect accorded to that member and could result in a promotion to a leadership position. On Long Island, MS-13 members are frequently involved in violent altercations with members of rival gangs such as the 18<sup>th</sup> Street gang, Salvadorans With Pride, the Latin Kings, the Bloods and Goon Squad. Long Island MS-13 members have repeatedly carried out assaults, stabbings and shootings targeting members of rival gangs and others, including MS-13 members believed to be cooperating with law enforcement. Long Island MS-13 members have committed dozens of murders on behalf of the gang.

4. The defendant JOSE OMAR SORTO PORTILLO, also known as "Duende," has been identified as a member of the MS-13 through various sources of evidence, including self-admissions made to members of the Task Force and the Suffolk County Police Department ("SCPD"). Specifically, on or about December 3, 2018, the defendant told a SCPD Detective, in substance and in relevant part, that he was an MS-13 "collaborator," who does anything the gang

requests of him. Furthermore, a consent search of the defendant's cellular telephone on that same day revealed approximately 100 MS-13 related photographs, screenshots, and illustrations stored in the phone, several of which are attached hereto as "Exhibit 1." Additionally, on August 14, 2019, the defendant was located and arrested by members of the Task Force and the SCPD, as further described herein. After being advised of his Miranda rights, the defendant waived his rights and agreed to speak to law enforcement. During the subsequent interview, which was video recorded, the defendant admitted, in substance and in relevant part, that he is a member of the Leeward clique of the MS-13 and that he, along with two other individuals (hereinafter "Co-Conspirator-1" ("or "CC-1") and "Co-Conspirator-2" (or "CC-2")), conspired to murder and did murder Jasson Medrano-Molina, as set forth in detail below.

Murder of Jasson Medrano-Molina

5. On August 7, 2019, the Suffolk County Police Department responded to the location of a 7-Eleven at 166 East Suffolk Avenue, Central Islip, New York, following a 911 call, received at 3:44 a.m., reporting multiple gunshots in the vicinity. Responding officers conducting a canvass of the immediate area discovered the body of a deceased male behind the location 150 East Suffolk Avenue, Central Islip, New York. The victim appeared to have been shot multiple times. The victim's body was

transported to the Suffolk County Medical Examiner's Office, where an autopsy was performed. The victim was subsequently identified as Jasson Medrano-Molina. Thereafter, officers at the scene recovered five .40 caliber shell casings. Additionally, a total of five .40 caliber bullets were recovered from both the crime scene and the victim's body.

6. I have conferred with a SCPD Homicide Detective, who informed me that he had interviewed a surviving witness to the murder (hereinafter, the "Witness"). According to the Detective, the Witness stated, in substance and in part, that he and Medrano-Molina had traveled from Coney Island to meet CC-1, whom the Witness identified by name, in Central Islip that night. CC-1 was with another male, and, after purchasing some beverages at the above-referenced 7-Eleven, the four of them hung out nearby. According to the Witness, CC-1 announced that she had to go to the bathroom, and walked into a nearby wooded area. Thereafter, CC-1 contacted Medrano-Molina via Facebook messenger, claiming that she had injured herself and needed help. The three males (including Medrano-Molina and the Witness) went into the woods looking for CC-1. When they found CC-1, they were confronted by two Hispanic males wearing masks. One of these individuals - later identified, as described further below, as the defendant JOSE OMAR SORTO PORTILLO, also known as "Duende" - was armed with a handgun. The

other individual, CC-2, was armed with what appeared to be a large stick. The Witness recalled that they all tried to run away, and stated that he heard multiple gunshots as he fled. The Witness ran back to the same 7-Eleven discussed above, and called the police. The Witness subsequently identified CC-1 to law enforcement on surveillance video stills obtained from the 7-Eleven.

7. On August 13, 2019, law enforcement agents lawfully obtained a recording of a phone call placed the previous day (August 12, 2019) to a cellular telephone assigned call number (631) 381-9095, that the investigation has identified, as set forth herein, as belonging to the defendant JOSE OMAR SORTO PORTILLO, also known as "Duende" (hereinafter the "Portillo Phone").<sup>2</sup> Specifically, at the time of his arrest on August 14, 2019, the defendant was in possession of a cellular phone, which was seized as evidence by law enforcement. Thereafter, when agents dialed the number for the Portillo Phone, the phone recovered from the defendant began to ring.

8. I reviewed the August 12, 2019 recorded call with a Spanish translator who translated the call from Spanish to

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<sup>2</sup> The Portillo Phone is different from the phone used in December 2018 by the defendant and consensually searched by law enforcement.

English. During the call, the defendant JOSE OMAR SORTO PORTILLO, also known as "Duende," admitted to murdering the victim, Jasson Medrano-Molina, and stated that he did so in order to increase his position in the MS-13. Specifically, the defendant stated, in substance and in part, that he killed "Jasson" with a .40 caliber handgun, which he shot five times, and provided the location where the murder occurred. Finally, during this call, the defendant stated, in substance and in relevant part, that he was promoted to the rank of "chequeo" as a result of the murder; that he is keeping his gang nickname "Duende;" and that he would soon be promoted again.<sup>3</sup>

Furthermore, during the defendant's post-Miranda interview on August 14, 2019, he admitted, in substance and in relevant part, that: (a) the defendant, CC-1 and CC-2 agreed to kill the victim because the defendant believed the victim was a member of a rival gang; (b) on August 7, 2019, CC-1 lured the victim to a secluded wooded area in Central Islip, where the victim was attacked and killed by the defendant and CC-2; (c) the defendant was armed with a .40 caliber handgun with which he shot the victim approximately five times; and (d) the defendant murdered

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<sup>3</sup> The MS-13 maintains a tiered membership track. The lowest rank is "observacion," followed by "paro," "chequeo," "homeboy," and "leader."

the victim to increase his position in the MS-13 gang.

Following his arrest today, the defendant provided Task Force agents and officers written consent to search his residence. Agents also received written consent from the defendant's mother, who lives with the defendant, to search the residence. During a search of the defendant's residence, the agents recovered a loaded Taurus .40 caliber semi-automatic pistol from the defendant's bedroom.

WHEREFORE, your deponent respectfully requests that JOSE OMAR SORTO PORTILLO, also known as "Duende," be dealt with according to law.

  
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SPECIAL AGENT SEAN C. MCMULLEN  
Federal Bureau of Investigation

Sworn to before me this  
14<sup>th</sup> day of August, 2019

  
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/s/ A. Kathleen Tomlinson  
THE HONORABLE A. KATHLEEN TOMLINSON  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

# EXHIBIT 1









